

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WALTER B. JONES, JR.

Defendant.

4:01-CR-274

MEMORANDUM AND ORDER

This matter is before the Court on the defendant, Walter B. Jones, Jr.'s pro se motion to vacate under [28 U.S.C. § 2255](#), and motion for status. [Filing 84](#); [filing 86](#). The motions will be denied.

The defendant was sentenced in October 2002 and on April 17, 2006 he filed a motion to vacate, set aside or correct the sentence under [28 U.S.C. § 2255](#). [Filing 61](#). That motion was denied in July 2026. [Filing 64](#). He filed this second motion under [28 U.S.C. § 2255](#) on August 14, 2023. [Filing 84](#).

The Antiterrorism and Effective Death Penalty Act of 1996 imposed procedural requirements on federal prisoners who wish to file "second or successive" motions to vacate their sentences. The AEDPA amended [28 U.S.C. § 2244\(b\)](#) to preclude the filing of any subsequent habeas corpus petition absent certification by a panel of the appropriate court of appeals for the circuit in which the district court is located, authorizing the district court to consider the successive application. Section 2255(h) provides that a second or successive § 2255 motion may not be filed without appellate court approval in the manner provided in [§ 2244](#). If the defendant wants to file a second § 2255 motion, he must seek leave to do so from the U.S. Court of Appeals for the Eighth Circuit,

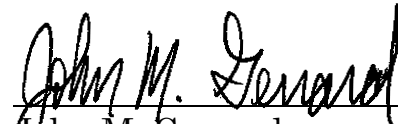
in the manner provided in § 2244. See *United States v. Patton*, 309 F.3d 1093, 1094 (8th Cir. 2002); see also *United States v. Carranza*, 467 F. App'x 543 (8th Cir. 2012).

IT IS ORDERED:

1. The defendant's motion to vacate, set aside, or correct the sentence ([filing 84](#)) is denied.
2. The Court will not issue a certificate of appealability in this matter.
3. A separate judgment will be entered.
4. The defendant's motion for status is denied as moot. [Filing 86](#).

Dated this 22nd day of April, 2024.

BY THE COURT:

  
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John M. Gerrard  
Senior United States District Judge